

3.

My firm is counsel for Defendant Russell Todd Burkhalter. Prior to entry, and per paragraph 5 of the Order Appointing Receiver [Doc. 10] on August 13, 2024, my firm also represented Drive Planning, LLC.

4.

The United States Securities and Exchange Commission approved its formal order of investigation *In the Matter of Drive Planning, LLC*, A-04060 on May 30, 2023.

5.

On April 11, 2024, SEC counsel first contacted me regarding this investigation.

6.

On April 16, 2024, I accepted service of subpoenas for production of documents and testimony issued to Mr. Burkhalter and Drive Planning, LLC.

7.

In response to the subpoena, Drive Planning produced 4,893 pages of documents to the SEC over the course of eight separate productions from May 13, 2024 through and including July 11, 2024. These documents included, among other things, company bank records, client agreements, the “master spreadsheet” identified in the SEC’s complaint, and company marketing materials.

8.

On June 12, 2024, Mr. Burkhalter appeared for testimony pursuant to the SEC subpoena.

9.

By the end of June 2024, Mr. Burkhalter and Drive Planning shut down the REAL program and no longer accepted new funds.

10.

On June 20, 2024, Drive Planning retained B. Riley Financial Advisors to assess the company's assets and liabilities.

11.

Throughout July 2024, I had numerous calls and emails with the SEC regarding a proposed Receivership Order.

12.

On July 10, 2024, I sent the SEC a markup of their draft Receivership Order.

13.

On July 24, 2024, after having received no substantive response, I sent a follow up email to the SEC regarding the proposed Receivership Order.

14.

Throughout August, including up to August 12, 2024, my law partner Kara Silverman and I participated in multiple calls with the SEC leading to the SEC's filing of the Complaint in this matter.

15.

I declare under penalty of perjury that the foregoing is true and correct.

This 14th day of August, 2024.


Aaron M. Danzig